

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
ANDREW J. ALLAM, SR.,**

Plaintiff,

**5:21-cv-288
(GLS/ML)**

v.

SAMANTHA PHILLIPS et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Andrew J. Allam, Sr.
Pro Se
JX-9070
SCI Coal Township
1 Kelly Drive
Coal Township, PA 17866

FOR THE DEFENDANTS:

NO APPEARANCE

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Order and Report-Recommendation (R&R) by Magistrate Judge Miroslav Lovric, duly filed February 28, 2022. (Dkt. No. 20.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R

for clear error, it is hereby

ORDERED that the Order and Report-Recommendation (Dkt. No. 20) is **ADOPTED** in its entirety; and it is further

ORDERED that plaintiff's complaint (Dkt. No. 1) is **DISMISSED WITH LEAVE TO REPLEAD** for failure to state a claim which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and it is further

ORDERED that any amended complaint shall be filed within thirty (30) days of the date of this Order; and it is further

ORDERED that, if plaintiff does file an amended complaint, plaintiff is warned that any amended complaint must be a complete and separate pleading. Plaintiff must state all of his claims in the new pleading and may not incorporate by reference, any part of his original complaint; and it is further

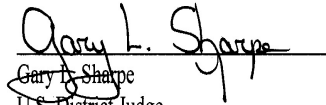
ORDERED that, if plaintiff files an amended complaint, such proposed amended complaint will be referred to the Magistrate Judge for initial review; and it is further

ORDERED that, if plaintiff fails to file an amended complaint within the time permitted, the clerk is directed to close this case without further order of the court; and it is further

ORDERED that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice.

IT IS SO ORDERED.

March 21, 2022
Albany, New York



Gary L. Sharpe
U.S. District Judge